

EXHIBIT D

AKIN GUMP
STRAUSS HAUER & FELD LLP

Attorneys at Law

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April 21, 2010

Joseph M. Lipner
Irell & Manella LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067

Re: Centocor Ortho Biotech, Inc. v. Genentech, Inc. and City of Hope
Case No. 08-cv-03573

Dear Joseph:

I am writing in response to your April 20, 2010 letter. As you appear to concede, counsel for City of Hope inappropriately asserted the attorney-client privilege during Dr. Cabilly's deposition on April 9, 2010 and, without proper basis, instructed Dr. Cabilly not to answer questions about the content of his communications with attorneys relating to documents that Dr. Cabilly had maintained in his personal files.

As we understand it, you have withheld documents on this same subject matter based on an assertion of privilege. By the end of business tomorrow, please produce all communications relating to this subject matter, including at least the communications between Dr. Cabilly and Mr. Goldsmith that Dr. Cabilly specifically identified during his testimony. We also need your privilege log at that time.

After we receive these, we will need to consider what, if any, further action is warranted.

Regards,



Matthew A. Pearson

cc: Marc Sernel, Esq. (msernel@kirkland.com)
Daralyn J. Durie, Esq. (ddurie@durietangri.com)

AKIN GUMP
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April 28, 2010

Joseph M. Lipner
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067

Re: Centocor Ortho Biotech, Inc. v. Genentech, Inc. and City of Hope
Case No. 08-cv-03573

Dear Joseph:

We have received no response from you to our repeated requests for all communications related to the subject matter of documents in Dr. Cabilly's files, including the communication between Dr. Cabilly and Mr. Goldsmith that Dr. Cabilly specifically identified during his deposition, as well as for your privilege log.

Accordingly, please have someone from your team prepared to meet and confer with us by phone at 5 PM EDT today.

Regards,



Matthew A. Pearson

cc: Marc Sernel, Esq. (msernel@kirkland.com)
Daralyn J. Durie, Esq. (ddurie@durietangri.com)

AKIN GUMP
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April 23, 2010

Joseph M. Lipner
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067

Re: Centocor Ortho Biotech, Inc. v. Genentech, Inc. and City of Hope
Case No. 08-cv-03573

Dear Joseph:

From your April 20 letter, it appears that you considered Dr. Cabilly's deposition testimony and made a determination about the attorney-client privilege. We were therefore surprised by your request yesterday for clarification about the contents of Dr. Cabilly's testimony. To the extent there is any confusion on this matter, privilege was asserted at least at pages 62 to 73 of the April 9 transcript.

Your April 20 letter acknowledges that communications between Dr. Cabilly and his attorneys related to documents in Dr. Cabilly's files are not privileged. Accordingly, by the close of business today, produce all communications relating to this subject matter, including at least the communications between Dr. Cabilly and Mr. Goldsmith that Dr. Cabilly specifically identified during his testimony. We also need your privilege log today so that we may determine which, if any, of those communications are still being withheld.

Please let us know today whether you will comply with these requests, so that we may consider what, if any, further action is warranted.

Regards,



Matthew A. Pearson

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Joseph M. Lipner

April 23, 2010

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